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PATENT
Atty Docket No. 29250-000661/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

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NOV 04 2003

Applicants: William K. BIRNIE et al.

Conf. No.: 8093

OFFICE OF PETITIONS

Appl. No.: 09/384,646

Group: 2683

Filed: August 27, 1999

Examiner: R. Perez-Gutierrez

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For: ENHANCED ROAMING NOTIFICATION OF CALL HANDOFFS

NOV 18 2003

Technology Center 2600

**PETITION UNDER 37 C.F.R. § 1.181 AND M.P.E.P. 711.03(C) II TO WITHDRAW
HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Honorable Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450
(Attn: Tom Hawkins)

31 October 2003

Dear Sir:

In response to the Notice of Abandonment received 22 October 2003 in connection with the subject application, Applicants hereby respectfully petition under the provisions of 37 C.F.R. 1.181 and M.P.E.P. §711.03(c) II for decision to withdraw the holding of abandonment.

The Notice of Abandonment indicated that the above identified case was abandoned for failure to timely pay the required issue fee within the statutory three months from the mailing of a Notice of Allowance.

During the months of June, July, August, September, and October, the attorneys of record and correspondence address on record at the U.S.P.T.O was for the law firm of Harness, Dickey & Pierce PLC. However, as is evidenced by the attached copies of the cover of the paper file jacket for the above identified case (Exhibit I) and the docket record showing the date when the issue fee bar date would have been shown had the non-received Notice of Allowance been received and docketed (Exhibit II), the Notice of Allowance was never received by the offices of Harness, Dickey & Pierce PLC. The offices of the undersigned did not become aware of the

Notice of Allowance until advised by the Notice of Abandonment and a search of the file jacket and docket records indicates that the Notice of Allowance was not received.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with the mailing of the 16 June 2003 Notice of Allowance. Accordingly, this petition is being timely filed for the purpose of petitioning withdrawal of the abandonment in view of the above-stated facts.

Since the above-mentioned Notice of Allowance was apparently never received in the offices of Harness, Dickey & Pierce, as evidenced by the attached Exhibits, it is believed that no petition fee is necessary in connection with this petition. In the event that the petition fee is deemed necessary by the United States Patent and Trademark Office, it is respectfully requested that the fee of \$130.00 as set forth in 35 U.S.C. §1.17(h)(1) be charged to Deposit Account No. 08-0750.

In the event that any matters remain at issue in the application, the Examiner is invited to contact the undersigned at (703) 668-8000 in the Northern Virginia area, for the purpose of a telephonic interview.

Respectfully submitted,

HARNESS, DICKEY AND PIERCE P.L.C.

By


Gary D. Yacura
Reg. No. 35,416

P.O. Box 8910
Reston, VA 20195

GDY/JPK:dg

Attachments: **Exhibits I & II**

Appl. No. 09/781,820

EXHIBIT I: SHOWS A COPY OF THE FILE JACKET COVER FOR THE APPLICATION
NUMBER 09/781,820 FAILING TO SHOW RECEIPT OF A NOTICE OF ALLOWANCE

Best Available Copy



S. PATENT APPLICATION FILE

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OFFICE OF PETITIONS

PROVISIONAL ☐

REGULAR ☒

DESIGN ☐

INVENTORS: William K. Birnie, S. Anthony Dennis, Mark D. Furnari,
CLIENT: Gang Li

TITLE: Enhanced Roaming Notification

OFFICE ACTIONS:

Dated:

AUDITED

By

Date

RESPONSE:

Dated

AUDITED

By

Date

OA 9-28-01

Amend

2-28-02 ~~xx~~

OA 5-23-02

Final/POA

8-23-02

8/28/02

OA 2/19/03

Amend

5/19/03

10/22/02 Filed Not. of Appeal
5/15/03 Filed Amendment

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ALLOWED - (No. of Claims):

ISSUE FEE PAID

MAINTENANCE FEES:

Due:

Date Tickled For:

AUDITED

By

Date

Paid

AUDITED

By

Date

FOREIGN FILING:

Assignee: Lucent Technologies, Inc.
REMARKS:

HARNESSE, DICKEY & PIERCE



Appl. No. 09/781,820

EXHIBIT II: SHOWS A COPY OF THE DOCKET RECORD OF 16 SEPTEMBER 2003,
THE DATE THE ISSUE FEE BAR DATE WOULD HAVE BEEN SHOWN HAD THE NON-
RECEIVED NOTICE OF ALLOWANCE BEEN RECEIVED AND DOCKETED.

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OFFICE OF PETITIONS

Sept 14 03
✓ BJD

✓ 45900-000746
noted

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Connect Prov.

JAC

✓ 40770-000138

NTFMP xxx 8/24 TRW

✓ 10400-000025
6/6/16

Miss Rqmts xxx

DJD

✓ 29250-000868
6/6/25

NTFMP xx

MJC

✓ 2557-000006
6/6/16

Restriction xxx

JAC

✓ 2421-000003
6/8/18

Amend x

JWR

✓ 32860-000543
noted

IDS

DJD

✓ 32860-000241
6/8/18

Api brief x

DJD

✓ 8947-000058
8/7/18

NTFMP x

JAC

✓ 32860-000277
8/9/16

Issue Fee

DJD

✓ 8947-000003

IDS
client sent in refs
NEP

JAC

✓ 10400-0000030
6/8/7

Miss Rqmts x

JAC

Sept. 16

~~43940-000002~~

~~Amend~~

~~GDY~~

✓ 29250-000821
clear 9/29

check for dec

RFS

✓ 1740-000012/US/COA
ext 9/25

TFD

TRC

✓ 4200-000021 } filed
9/9

TRSA

JAC

✓ 4200-000024

~~TRSA~~ IDS

JAC

✓ 6215-000126
ext. 9/30

TFD

TSA

✓ 6215-000113 } ext
to 9/22

TFD

JAC

✓ 6215-000117

TFD

JAC

✓ 29250-000998
9/15

TFD

JEC

✓ 40770-000138
9/24

M Parts xxx

TRW

U.S. PATENT & TRADEMARK OFFICE
OCT 31 2003

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/384,646

Filing Date August 27, 1999

First Named Inventor William K. BIRNIE et al.

Group Art Unit 2683

Examiner Name R. Perez-Gutierrez

Attorney Docket Number 29250-000661/US

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OFFICE OF PETITIONS

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action

Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Harness, Dickey & Pierce, P.L.C.

Attorney Name Gary D. Yacura

Reg. No. 35,416

Signature

Date

October 31, 2003

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

Typed or printed name

Signature

Date



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D C 20231

GAU 2683

S/N 09 / 384, 646

Date: 11-14-03

To: Group Directors/HSAEs

From: Office of Initial Patent Examination

Subject: Miscellaneous Papers

The attached papers belong in files that are housed at the warehouse. **PLEASE do not send any papers to the warehouse or to our office for processing**, but request the files from the warehouse and take the appropriate action.

Thank You,

T.A.

OIPE